

REMARKS

Applicants have considered the outstanding official action. It is respectfully submitted that the claims are directed to patentable subject matter as set forth below.

The outstanding rejections are as follows:

- (1) Claims 1-4, 7, 8 and 11-14 under 35 U.S.C. §102(b) or, alternatively, under 35 U.S.C. §103(a), over U.S. Patent No. 4,781,289 (Perkins);
- (2) Claims 1-12 under 35 U.S.C. §103(a) over U.S. Patent No. D447,408 (Humphrey) in view of Perkins; and
- (3) Claims 1-4, 7-12, 15 and 16 under 35 U.S.C. 103(a) over U.S. Patent No. D467,494 (Udwin) in view of Perkins.

Claims 1, 2, 13 and 14, all the pending independent claims, have been amended to include that "said first outward projecting portion includes a bottom wall having integral therein at least two spaced apart downward protrusions" as previously set out in claims 5 and 6.

As to claims 13 and 14, such are rejected only under 35 U.S.C. §102 or §103 based on Perkins alone. Claims 5 and 6 are not rejected based on Perkins alone. Thus, in view of the amendment to claims 13 and 14, it is submitted

that claims 13 and 14, and the claims dependent thereon, are now in condition for allowance.

Claims 5 and 6 are not rejected based on Perkins alone or Udwin in view of Perkins. Accordingly, it is submitted that the rejections based on Perkins alone and Udwin in combination with Perkins as to claims 1 and 2, and the claims dependent thereon, are overcome.

Thus, the sole rejection to be addressed is that under §103 of claims 1-12 based on Humphrey in view of Perkins. Applicants respectfully submit that claims 1-12 are not rendered obvious within the meaning of §103 based on Humphrey and Perkins.

More specifically, Perkins does not teach a closed bottom, but rather teaches that the display package 10 is vertically supported by bottom edges 60, 64 and 66 alone (column 3, lines 56-58) and that the openness of the bottom is desirable as providing a convenient place to grasp the blister pack 18 to pull it away from panel 12 to open the package thereby eliminating the need for an auxiliary pull-tab (column 3, lines 65-68). Perkins provides no teaching or suggestion as to providing a structure which is self-indexing. The Examiner asserts that to change the size of the product enclosure 20 of Perkins to be equal in depth to the depth of support structure 22 would be merely a change of dimension and, thus, obvious. Applicants respectfully

disagree since such modification changes the relationship between the upper portion and lower portion to provide a distinct added function, i.e., self-indexing, which is not taught or recognized by Perkins or Humphrey, the reference combined with Perkins. There is no basis for making the change in dimension to the structure of Perkins to provide applicants' claimed structure of the depth of at least a portion of the first outward projecting portion being equal to a greatest depth of an outermost projecting portion of the at least one additional outward projecting portion. This structure, as claimed, provides for self-indexing of the package when the package is aligned with other like packages.

Humphrey discloses a package design having a base which extends outward a distance beyond the outermost extension of any other portion of the package body. The base would serve to allow the package to stand unaided in an upright position. Humphrey provides no teaching as to providing a package which is self-indexing. In fact, due to the extension of the base beyond the other portions of the package, the package would not be self-indexing since pressure on the back of the package to push the package forward would continue to push the top portion forward when the base stopped, thus, tipping the top portion of the package forward and causing the package to be out of

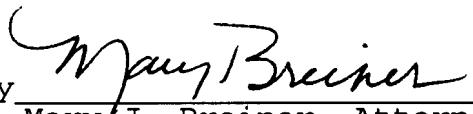
alignment with the support surface and other packages. This problem is solved by applicants' invention.

Since neither Perkins nor Humphrey provide any teaching regarding self-indexing, and in view of the differences in structure, no motivation is provided to suggest to one skilled in the art to modify the structure of Humphrey or Perkins to obtain applicants' claimed package in the absence of hindsight. Accordingly, applicants respectfully submit that the claimed package of claims 1-12 is not rendered obvious within the meaning of 35 U.S.C. §103. Withdrawal of the §103 rejection, therefore, based on Udwin in view of Perkins is urged.

Reconsideration and allowance of the claims is respectfully requested.

Respectfully submitted,

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